



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
1 Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File: A-55-15

Property Address: 10513 Arnold Palmer Drive

Property Owner: Brier Creek Country Club I LLC.

Project Contact: Jason Barron

Nature of Case: A request for a 55' variance from the Perimeter Buffer regulations set forth in Section 9.1.10.C. of the Unified Development Ordinance to allow for the removal of trees in order to construct two full-sized tennis courts, resulting in a 10' wide Perimeter Buffer along a roadway on a 32.09 acre property zoned Thoroughfare Conditional Use District and located at 10513 Arnold Palmer Drive.

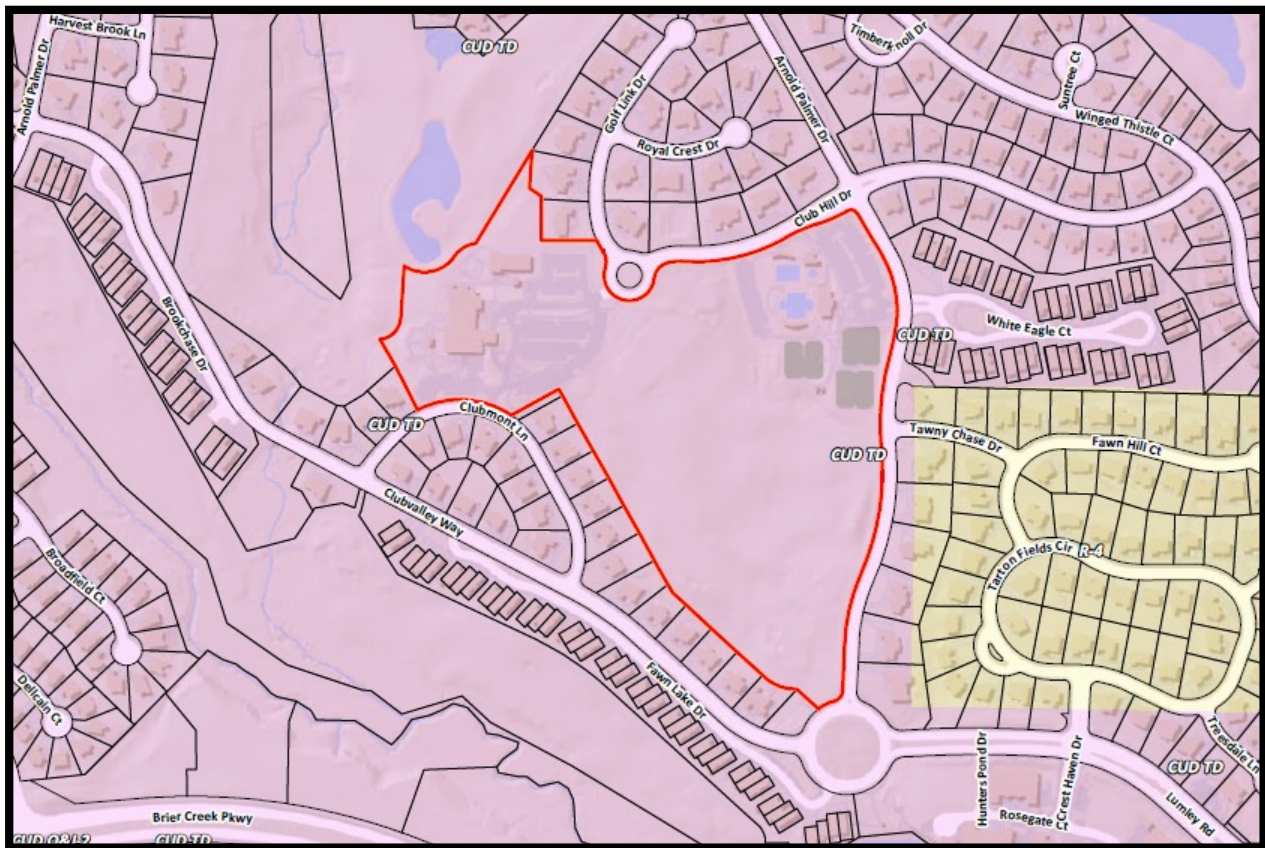


10513 Arnold Palmer Drive – Location Map

To BOA: 7-13-15

Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICTS: Thoroughfare District - Conditional Use District



10513 Arnold Palmer Drive – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions

that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Setback Standards: The subject property is zoned Residential-4

Yard Type	Minimum Setback
Front Yard	20'
Side Street	15'
Side	10'
Sum of Side Setbacks	20'
Rear	30'

Applicable Code: **Sec. 9.1.10. Lots Without Recorded Tree Conservation Areas**

A. Applicability

1. Any tree disturbing activity, except a minor tree removal activity, on sites 2 acres and larger in size that do not have an established or recorded tree conservation area shall meet the requirements of this section.

2. Nothing in this section shall prevent the otherwise lawful grading and installation of streets, utilities or other improvements shown on an approved subdivision plan or site plan.

3. All applicable laws, including soil erosion and sedimentation control and tree protection regulations, must be obeyed. No champion tree, including its critical root zone, is subjected to any tree disturbing activity.

B. Tree Protection Plan Required

1. A tree protection plan must be approved by the Planning and Development Officer for all applicable tree protected areas.

2. Tree protection fences must be in place prior to the issuance of any City permit and prior to engaging in any tree disturbing activity.

C. Perimeter Buffers

1. No tree disturbing activity, except a minor tree removal activity, shall occur within a 32-foot wide perimeter buffer when the adjoining or adjacent property is vacant.
2. No tree disturbing activity, except a minor tree removal activity, shall occur within a 65-foot wide perimeter buffer when the adjacent property is a roadway other than a Thoroughfare or is not vacant.
3. No tree disturbing activity, except a minor tree removal activity, shall occur within a 50-foot wide perimeter buffer when the adjoining or adjacent property is a Thoroughfare or higher designation roadway.
4. No trees 10 inches DBH or larger can be removed, with the exception that a maximum of 5 trees between 10 inches and 22 inches DBH may be removed within the 32-foot wide buffer, the 65-foot wide buffer or 50-foot wide Thoroughfare buffer, within a continuous 5-year period, with a permit issued by the Planning and Development Officer, provided that such tree removal would not diminish future tree conservation areas that may be required, all as shown on a report submitted to Planning and Development.
5. In lieu of protecting perimeter buffers, tree conservation areas may be designated in conjunction with an approved development plan, or an approved forest management plan, provided that all tree conservation areas are shown on recorded plats.

D. Forest Management Activity Allowed

1. Forest management activity is allowed in the perimeter buffers provided that the landowners first record with the local County Register of Deeds a covenant running with and binding the land stating: "That forest management operations were initiated within regulated perimeter buffers of the real property on _____ (date and year) and that pursuant to State Law, no building permit, site plan or subdivision plan will be approved by the local governing authority for a period of 5 years following harvesting completion date."
2. A copy of this covenant recorded with the local County Register of Deeds shall be provided to the to Planning and Development.
3. The allowable hours of operation any given day are between 7 AM and 8:30 PM, other than emergency work for the preservation of public health or safety.
4. Access ways through perimeter buffers shall not exceed 25 feet in width and all construction entrances of the access ways must be constructed in accordance with the latest City "Guidelines for Land-Disturbing Activities" or latest State of North Carolina "Erosion and Sediment Control Planning and Design Manual", whichever is more stringent.
5. At least 1 access way shall be permitted and additional access ways may be allowed provided such additional access ways are justified by a North Carolina registered forester and additional access ways fronting the same roadway are spaced at least 1,000 feet apart.

E. Violations

1. A violation of this section, where unlawful tree disturbing activity has occurred and trees and stumps are absent, shall subject the violator to a civil penalty equal to \$1,000 for the first tree plus 35 cents of every square foot of unlawfully disturbed perimeter buffer.

2. Where trees or stumps are present after unlawful tree disturbing activity has occurred, the civil penalty shall instead be calculated as \$1,000 for the first tree plus \$100 per diameter inch for any other tree or stump 3 inches diameter and larger.
3. No civil penalty shall exceed 1/3 of the current land tax value of the entire site.
4. The penalty shall be processed as set forth in Sec. 10.4.2. In addition to this civil penalty, within the unlawfully disturbed perimeter buffer, the land owner shall install one 2-inch caliper tree for each 200 square feet of all of the unlawfully disturbed perimeter buffer; provided that, in R-1 and R-2 no more than 15% of the acreage of the entire tract and no more 10% of the acreage of the entire tract of all other districts shall be planted.
5. Prior to any replanting, the Planning and Development Officer shall first approve a replacement planting and maintenance plan.
6. The replanting areas shall be designated as tree conservation areas on plats with delineated metes and bounds descriptions recorded with the local County Register of Deeds, however, the replacement planting areas shall not count toward the tree conservation percentage requirements of Sec. 9.1.3. Following the recording of this plat, no tree disturbing activity shall take place within the designated tree conservation areas.



Planning & Development

Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

E. H.
6-11-15

Variance Application

A-55-15

OFFICE USE ONLY	
Nature of variance request (Submit addendum on separate sheet, if more space is needed.) See Exhibits	Transaction Number
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

GENERAL INFORMATION		
Property Address 10513 Arnold Palmer Drive	Date 11 June 2015	
Property PIN 0768-04-1816	Current Zoning CUD TD	
Nearest Intersection Arnold Palmer Drive at Tawny Chase Drive	Property size (in acres) 32.09	
Property Owner Brier Creek Country Club I LLC	Phone 919-321-4800	Fax 919-321-7880
	Email DAKELLY@tollbrothersinc.com	
Project Contact Person Jason Barron	Phone 919-590-0371	Fax
	Email JBarron@morningstarlawgroup.com	
Property Owner Signature 	Email DAKELLY@tollbrothersinc.com	
Notary Sworn and subscribed before me this <u>11</u> day of <u>June</u> , 20 <u>15</u>	Notary Signature and Seal CATHLEEN M LUCIDO NOTARY PUBLIC, WAKE COUNTY, NC My Commission expires <u>6-16-2017</u>	

Exhibit A – Nature of Variance Requested

I. Summary of Request

Brier Creek Country Club I LLC, owner of 10513 Arnold Palmer Drive (PIN: 0768-04-1816) (the "Property"), respectfully requests a variance to permit an addition to the existing outdoor recreational facilities at the Property. The proposed addition consists of two full-sized tennis courts located adjacent to existing tennis courts on the Property.

According to UDO § 9.1.10.C., entitled Perimeter Buffers, only minor tree removal activity is allowable within a 65-foot wide perimeter buffer when the adjacent property is a roadway or is not vacant, as is the case here. In order to permit an addition to the existing outdoor recreational facilities, the property owner is requesting a variance to UDO § 9.1.10.C. such that the restrictions on allowable tree disturbing activity at the Property may be reduced to a 10-foot wide perimeter buffer.

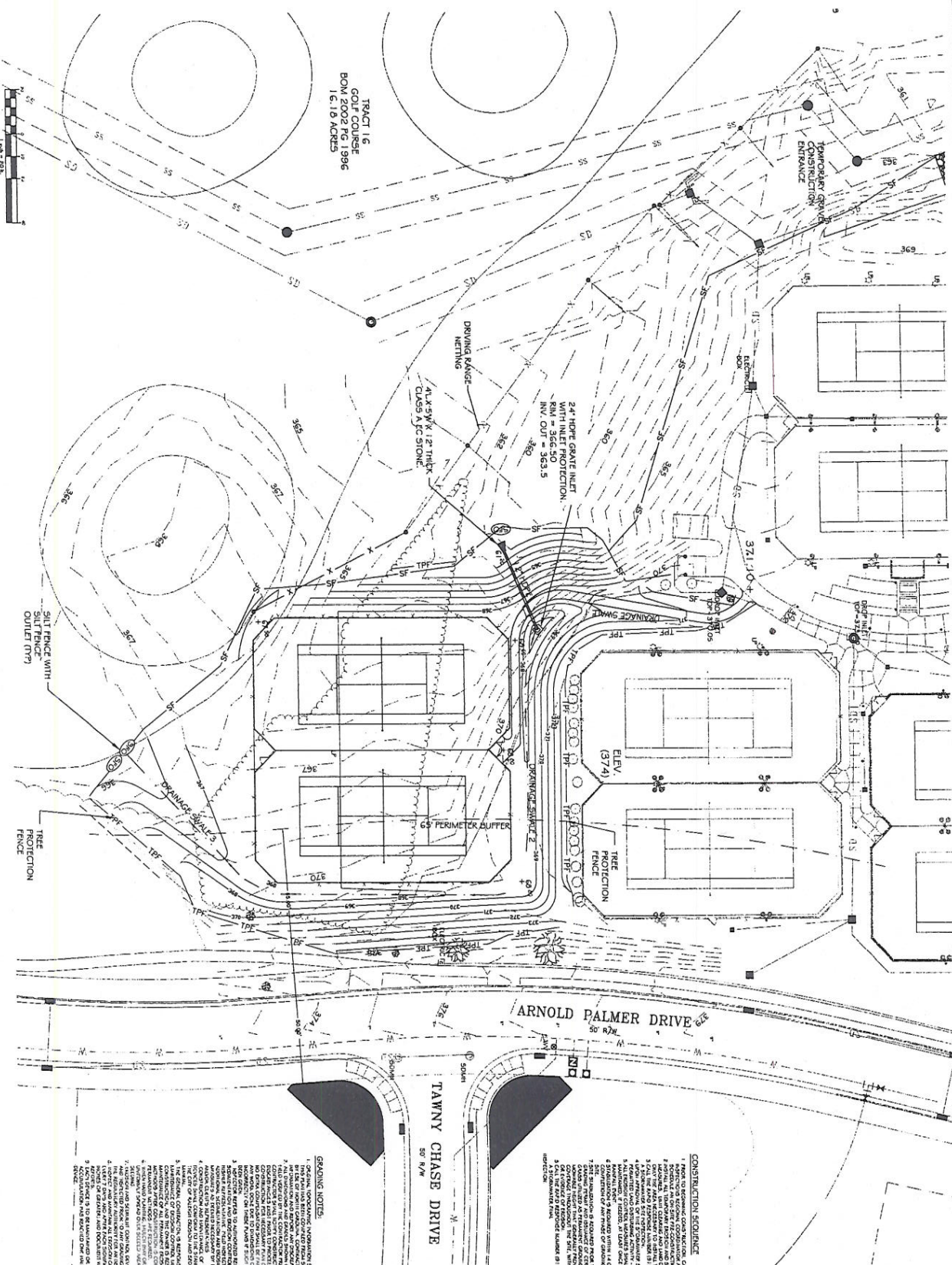
II. Variance Findings

- A. Unnecessary hardship would result from the strict application of the ordinance. The proposed facilities are being constructed within Brier Creek. Currently, there are existing tennis court facilities on the Property. The proposed additional tennis courts would be located in a manner that is consistent with the existing built environment of the Property. If the ordinance were strictly applied to the site, the proposed addition would not be in keeping with the remainder of the Property. More importantly, in order to comply with the ordinance, the proposed addition would have to be located in an area that conflicts with an existing golf course driving range that serves Brier Creek Country Club. Specifically, nets that serve to ensure that golf balls do not leave the driving range would have to be moved, and the proposed tennis court addition would have to be located within this area. The applicant has significant concerns about the health, safety and welfare of users of the proposed tennis court addition if forced to comply with the strict terms of the ordinance. Accordingly, the applicant submits that an unnecessary hardship would result from the strict application of the ordinance.
- B. The hardship results from conditions that are peculiar to the property. The layout of the existing outdoor facilities on the Property make it impossible to construct the proposed addition in compliance with the UDO and not present a health, safety and welfare concern for future users of the proposed facilities.
- C. The hardship does not result from actions taken by the property owner. As noted above, the hardship is a result of the location and layout of existing facilities on the Property, along with changes in the ordinance requirements that have made compliance no longer possible.
- D. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved. The spirit, purpose, and intent of the tree conservation regulations is to preserve tree coverage, mature trees, and natural resource buffers in a manner that lessens the impact of development on the surrounding properties. The impact of the proposed addition on surrounding properties is

not likely to be significant given that the proposed addition is a small expansion of an existing outdoor facility. The proposed addition is stylistically consistent with the existing architecture and fits within the context of the surrounding properties. Moreover, a 10-foot wide perimeter buffer, as requested by this variance, will preserve a substantial natural resource buffer between the Property and the adjacent parcel.



TRACT 1C
GOLF COURSE
BOM 2002 PG 1996
16.18 ACRES



- EROSION NOTES:**
1. EROSION CONTROL MEASURES SHALL BE INSTALLED ON ALL EXPOSED SOILS AND SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
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- CONSTRUCTION SEQUENCE:**
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0768041816
BRIER CREEK COUNTRY CLUB I LLC
2310 T W ALEXANDER DR STE G
RALEIGH NC 27617-7755

0758940895
LALLY, CHARLES J JR LALLY, DONNA
HARPER
10556 CLUBMONT LN
RALEIGH NC 27617-7580

0758941961
DIEHL, LEE H DIEHL, CYNTHIA L
10552 CLUBMONT LN
RALEIGH NC 27617-7580

0758942775
DOOLEY, JEFF ALAN DOOLEY, LISA MARIE
10545 CLUBMONT LN
RALEIGH NC 27617-7581

0758943758
CHOE, HAENG YOL CHOE, GWYOC
10537 CLUBMONT LN
RALEIGH NC 27617-7581

0758944757
SATSANGI, SANJAY SATSANGI, SEEMA
10529 CLUBMONT LN
RALEIGH NC 27617-7581

0758945721
GOODLETT, WALTER JR GOODLETT,
BARBARA
10521 CLUBMONT LN
RALEIGH NC 27617-7581

0758946817
BRIER CREEK COUNTRY CLUB LLC
2310 T W ALEXANDER DR STE G
RALEIGH NC 27617-7755

0758946853
CREED, MICHAEL W CREED, LINDA L
10520 CLUBMONT LN
RALEIGH NC 27617-7580

0758947666
PRAKKE, HERMAN W P, DIANE
10512 CLUBMONT LN
RALEIGH NC 27617-7580

0758947715
SCHLESKE, RICARDO G SCHLESKE,
MICHELLE S
10516 CLUBMONT LN
RALEIGH NC 27617-7580

0758948367
PEOPLES, JAMES ROBERT PEOPLES,
CORINNE ANN
10500 CLUBMONT LN
RALEIGH NC 27617-7580

0758948448
ROSPLOCK, KENNETH D ROSPLOCK,
CYNTHIA R
10504 CLUBMONT LN
RALEIGH NC 27617-7580

0758948517
LEE, JUN G LEE, JANE S
10508 CLUBMONT LN
RALEIGH NC 27617-7580

0758949229
KENNEDY, WALTER W KENNEDY, SYLVIA L
9240 CLUBVALLEY WAY
RALEIGH NC 27617-7577

0758950891
TOLL AT BRIER CREEK LMTD PRTN SHP
ATTN: CLUB CONTROLLER
9400 CLUB HILL DR
RALEIGH NC 27617-7570

0758956589
YANG, YUANQING MENG, MEDEA Q
10617 GOLF LINK DR
RALEIGH NC 27617-7452

0758957405
JINDAL, VINOD K JINDAL, NATASHA
10609 GOLF LINK DR
RALEIGH NC 27617-7452

0758957723
NORTHINGTON, JAMES H NORTHINGTON,
SUZANNE L
10625 GOLF LINK DR
RALEIGH NC 27617-7452

0758959300
BRIER CREEK COUNTRY CLUB I LLC
1215 JONES FRANKLIN RD STE 205
RALEIGH NC 27606-3351

0758959416
TUDESCO, THOMAS TUDESCO, SUSAN
10600 GOLF LINK DR
RALEIGH NC 27617-7451

0768033934
SHEN, MAY WANG, YOU PING TONY
9220 CLUBVALLEY WAY
RALEIGH NC 27617-7577

0768034930
BRIER CREEK COUNTRY CLUB OWNER
ASSOCIATION INC
2310 T W ALEXANDER DR STE G
RALEIGH NC 27617-7755

0768037946
PATEL, KANAIYALAL M PATEL, HASUMATI
K
10510 ARNOLD PALMER DR
RALEIGH NC 27617-7775

0768040175
JOHNSON, MARK JOHNSON, CHOY MAN
9232 CLUBVALLEY WAY
RALEIGH NC 27617-7577

0768040202
DECRISTOFORO, MARIO L THOMAS,
KATTIE P
9236 CLUBVALLEY WAY
RALEIGH NC 27617-7577

0768041058
O'SULLIVAN, ALLAN T O'SULLIVAN,
PATRICIA
9228 CLUBVALLEY WAY
RALEIGH NC 27617-7577

0768042041
GIOVINAZZO, ANDREW GIOVINAZZO,
JENNIFER
9224 CLUBVALLEY WAY
RALEIGH NC 27617-7577

0768047143
DUKES, JESSICA JAYNE DUKES, GEORGE
E
10518 ARNOLD PALMER DR
RALEIGH NC 27617-7775

0768047267
AGRAWAL, NEERAJ R AGRAWAL, NEETA N
10526 ARNOLD PALMER DR
RALEIGH NC 27617-7775

0768048422
MACKO, STEVEN J MACKO, SARA H
10534 ARNOLD PALMER DR
RALEIGH NC 27617-7775

0768048858
HAHN, PAUL HAHN, KATHY PARK
10560 ARNOLD PALMER DR
RALEIGH NC 27617-7775

0768053543
MUGITROYD, GEORGE EDWARD
MURGITROYD, BETH CHRISTIN...
9308 CLUB HILL DR
RALEIGH NC 27617-7572

0768058047
ANDERSON, BURTON E ANDERSON,
LYNNETTE
9225 WHITE EAGLE CT
RALEIGH NC 27617-7437

0768048546
GOODEN, NATHAN A GOODEN, JENNIFER
D
10542 ARNOLD PALMER DR
RALEIGH NC 27617-7775

0768050456
UPRIGHT BUILDERS INC
590 NEW WAVERLY PL STE 140
CARY NC 27518-7407

0768054680
THOMAS, GLENN B THOMAS, VALERIA
9300 CLUB HILL DR
RALEIGH NC 27617-7572

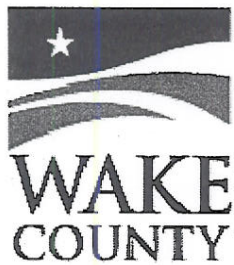
0768058440
KEARNEY, EDWIN G KEARNEY, MARLENE
F
9224 WHITE EAGLE CT
RALEIGH NC 27617-7436

0768048750
HARTMAN, GLENN M HARTMAN, PHYLLIS
10550 ARNOLD PALMER DR
RALEIGH NC 27617-7775

0768052417
GANDHI, DILIP I GANDHI, PAMELA T
9316 CLUB HILL DR
RALEIGH NC 27617-7572

0768057552
ARNDT, THOMAS W ARNDT, BETH A
9221 CLUB HILL DR
RALEIGH NC 27617-8431

0768152114
SECTION H2 TWNHMS OWNERS ASSOC
INC
1215 JONES FRANKLIN RD STE 205
RALEIGH NC 27606-3351

[Home](#)

Wake County Real Estate Data Account Summary

[iMaps](#)[Tax Bills](#)Real Estate ID **0429463** PIN # **0768041816**Location Address
**10513 ARNOLD
PALMER DR**Property Description
LO1 Brier Creek Country Club BM2015-00692Account
Search[Pin/Parcel History](#) [Search Results](#) [New Search](#)NORTH CAROLINA [Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

For real estate accounts created or new construction built after January 1, 2015: Property values are under review for tax year 2016. Land and building values on these properties will reflect an assessment based on the January 1, 2008 Schedule of Values until late 2015 or early 2016 at which time the January 1, 2016 revaluation values for both land and buildings will be available.

Property Owner BRIER CREEK COUNTRY CLUB I LLC Use the Deeds tab above to view any additional owners		Owner's Mailing Address 2310 T W ALEXANDER DR STE G RALEIGH NC 27617-7755	Property Location Address 10513 ARNOLD PALMER DR MORRISVILLE NC -
Administrative Data Old Map # 275-- Map/Scale 0768 03 VCS 05RA012 City RALEIGH Fire District Township CEDAR FORK Land Class VACANT ETJ Spec Dist(s) Zoning History ID 1 History ID 2 Acreage 32.09 Permit Date Permit #	Transfer Information Deed Date 12/29/2008 Book & Page 13334 1538 Revenue Stamps Pkg Sale Date Pkg Sale Price Land Sale Date Land Sale Price Improvement Summary Total Units 0 Recycle Units 0 Apt/SC Sqft Heated Area	Assessed Value Land Value Assessed Bldg. Value Assessed Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value *Property Data Under Review Use/Hist/Tax Relief Assessed Total Value Assessed*	

*Wake County assessed building and land values reflect the market value as of January 1, 2008, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2008 values will remain in effect until the next county-wide revaluation, which begins January 1, 2016. Until that time, any real estate accounts created or new construction built is assessed according to the 2008 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Revenue Department at RevHelp@wakegov.com or call 919-856-5400.

Real Estate ID **0429463**PIN # **0768041816**Location Address
**10513 ARNOLD PALMER
DR**Property Description
LO1 Brier Creek County Club BM2015-00692Account
Search[Pin/Parcel History](#) [Search Results](#) [New Search](#)[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Building Location Address 10513 ARNOLD PALMER DR		Building Description 05RA012		Card 01 Of 01																																																																	
Bldg Type Units Heated Area Story Height Style Basement Exterior Const Type Heating Air Cond Plumbing		Year Blt Addns Eff Year Remod Int. Adjust. Other Features		Base Bldg Value Grade Cond % Market Adj. Market Adj. Accrued % Incomplete Code Card 01 Value All Other Cards Land Value Assessed Total Value Assessed																																																																	
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Pamela Haner
9221 White Eagle Ct
Raleigh NC 27617

Charles J & Donna H Lally
10556 Clubmont Ln
RALEIGH NC 27617

Jeff A & Lisa M Dooley
10545 Clubmont Ln
RALEIGH NC 27617

Walter & Barbara Goodlet
10521 Clubmont Ln
RALEIGH NC 27617

Herman & Diane Prakke
10512 Clubmont Ln
RALEIGH NC 27617

Kenneth & Cynthia Rosplock
10504 Clubmont Ln
Raleigh NC 27617

Toll at Brier Creek Lmted Prtnshp
Attn: Club Controller
9400 Club Hill Dr
RALEIGH NC 27617

James & Suzanne Northington
10625 Golf Link Dr
Raleigh NC 27617

Thomas & Susan Tudesco
10600 Golf Link Dr
Raleigh NC 27617

Brier Creek Country Club Owner Assoc
2310 T W Alexander Dr Ste G
RALEIGH NC 27617

Section H2 Twnhms Owners Assoc
1215 Jones Franklin Rd Ste 205
Raleigh NC 27606

William V & Wendy L Young
9316 Clubvalley Way
RALEIGH NC 27617

Haeng Y & Gwyoc Choe
10537 Clubmont Ln
RALEIGH NC 27617

Brier Creek Country Club LLC
2310 T W Alexander Dr Ste G
RALEIGH NC 27617

Ricardo & Michelle Schleske
10516 Clubmont Ln
RALEIGH NC 27617

Jun & Jane Lee
10508 Clubmont Ln
RALEIGH NC 27617

Yuanqing & Medea Yang
10617 Golf Link Dr
RALEIGH NC 27617

Helen & Steven Schinkel
10701 Golf Link Dr
RALEIGH NC 27617

Arthur & Marvette Francis
9333 Royal Crest Dr
RALEIGH NC 27617

Kanaiyalal & Hasumati Patel
10510 Arnold Palmer Dr
RALEIGH NC 27617

The Frank C Allour Living Trust
Frank Allour – Trustee
9220 White Eagle Ct
Raleigh NC 27606

Lee H & Cynthia L Diehl
10552 Clubmont Ln
RALEIGH NC 27617

Sanjay S & Seema Satsangi
10529 Clubmont Ln
RALEIGH NC 27617

Michael W & Linda L Creed
10520 Clubmont Ln
RALEIGH NC 27617

James & Corinne Peoples
10500 Clubmont Ln
RALEIGH NC 27617

Walter & Sylvia Kennedy
9240 Clubvalley Way
RALEIGH NC 27617

Vinod & Natasha Jindal
10609 Golf Link Dr
RALEIGH NC 27617

Brier Creek Country Club I LLC
1215 Jones Franklin Rd Ste 205
Raleigh NC 27606

May & You Shen
9220 Clubvalley Way
RALEIGH NC 27617

Mark & Choy Johnson
9232 Clubvalley Way
RALEIGH NC 27617

Mario & Kattie Decristoforo
9236 Clubvalley Way
RALEIGH NC 27617

Allan & Patricia O'Sullivan
9228 Clubvalley Way
RALEIGH NC 27617

Brier Creek Country Club I LLC
2310 T W Alexander Dr Ste G
RALEIGH NC 27617

Andrew & Jennifer Giovinazzo
9224 Clubvalley Way
RALEIGH NC 27617

Jessica & George Dukes
10518 Arnold Palmer Dr
Raleigh, NC 27617

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